



PATENT
600-1-087CIP/DIV/CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jeffrey M. Friedman et al.

CONTINUATION OF

SERIAL NO.: 09/686,647 : Group Art Unit: UNKNOWN

FILED: October 10, 2000 : Examiner: UNKNOWN

FOR: MODULATORS OF BODY WEIGHT, CORRESPONDING
NUCLEIC ACIDS AND PROTEINS, AND DIAGNOSTIC
AND THERAPEUTIC USES THEREOF

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on 1/25/01.

Christine E. Dietzel Reg. No. 272309
(Name of Registered Representative)

[Signature]
(Signature and Date)

PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION AND
REQUEST FOR INCLUSION OF OMITTED ITEM(S)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

MAR 31 2003

Dear Sir:

OFFICE OF PETITIONS

In response to the Notice of Omitted Item(s) in a Nonprovisional Application dated November 28, 2000, for which response is due on or before January 28, 2001, Applicants hereby petition the Commissioner and provide a response to said Notice. This petition request is accompanied by the required fee under 37 C.F.R. 1.17(i).

Applicants submit that the asserted omitted item, specifically FIGURE 3, was filed and

deposited with the U.S. Patent and Trademark Office with the nonprovisional application papers and request that the above-referenced nonprovisional application be recognized as complete as of the filing date and thereby be accorded a proper filing date of October 10, 2000.

On October 10, 2000 Applicants filed the above-referenced Continuation Application via Express Mail EL629423599, as evidenced by the enclosed copy of the stamped receipt postcard. The filing papers included on October 10, 2000, and noted on the postcard, were as follows: Associate Power of Attorney; Submission of Continuation Application; copy of prior declaration; Request for Transfer of computer readable form; copy of Sequence Listing included in the Application; Extension of Time (3 months in duplicate).

As is customary and standard practice in the Office of Applicants' representative on filing a continuation application, at least one copy of the prior application as filed, its associated drawings as filed (Figures 1-23), the signed declaration from the prior application, and the most recent or corrected Sequence Listing in the prior application were made in preparation for filing a continuation. The Request for filing a continuation was prepared and finalized, a post card prepared, and the Request and postcard mailed by Express Mail to the U.S. P.T.O., along with a copy of each of: the prior Application; its associated Drawings as filed; its signed Declaration; and its appropriate Sequence Listing. A second copy was placed in Applicants' representatives file for the new nonprovisional application designated 600-1-087CIP/DIV/CON. Applicants' representatives have reviewed their file designated 600-1-087CIP/DIV/CON and note that all of Figures 1-23, including the asserted omitted Figure 3, are present in our file copy. A copy of our file copy of the Figures, including Figure 3 is enclosed herewith.

Applicants provide herewith a Declaration under 37 C.F.R. 1.132 by Joan A. Santucci, an assistant for Applicants' representative stating and verifying that, to the best of Ms. Santucci's knowledge and belief, all Figures 1-23 were provided in the filing papers for the Instant

Application on October 10, 2000.

In view of the above comments and the enclosed Declaration and attachments in evidence, Applicants respectfully submit that, to our knowledge and as indicated in our files, a full copy of all Figures 1-23, including Figure 3, was filed on October 10, 2000 with respect to the instant continuation application.

In the alternative, Applicants request that, by revision of the Transmittal Sheet filed with the Instant Application on October 10, 2000 or by this request, the drawings from the prior application U.S.S.N. 09/183,374 be transferred to the Instant Continuation Application and that said prior application U.S.S.N. 09/183,374 be abandoned as of the Filing Date accorded this Instant Application. The prior application U.S.S.N. 09/183,374 contains Figures 1-23 including the asserted omitted Figure 3.

Applicants hereby request and petition that the instant Continuation Application be accorded the filing date of October 10, 2000 as a full and complete Application, including all Figures 1-23. Such request is made by virtue of the above and attached noted facts and evidence that Applicants believe that upon filing on October 10, 2000 the Instant Application was mailed to the U.S. P.T.O. with all Drawings of Figures 1-23, including Figure 3. Alternatively, Applicants request that the Figures (Figure 1-26) be transferred from prior Application U.S.S.N. 09/183,374 and that said prior application be abandoned.

Respectfully submitted,


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